

Ordinance No. O-1-06

AN ORDINANCE TO REPEAL AND RE-ENACT,
WITH AMENDMENTS, CHAPTER 24 OF THE CITY CODE
(CITY ZONING ORDINANCE), ARTICLE IX, ENTITLED, "SIGNS."

Text Amendment T-366

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24, Article IX, is hereby amended as follows:

ARTICLE IX. SIGNS

Sec. 24-208. Purpose and findings.

Article IX is intended to promote and protect the public health, safety and general welfare by regulating existing and proposed signs and other street graphics within the city. In particular, this ordinance is intended to enhance the unique character of the city and ensure that signs:

- (a) Promote pedestrian and vehicular safety.
- (b) Enhance the unique character of the city and are compatible with their surroundings.
- (c) Represent thematically the business or the community as a whole.
- (d) Are legible under the circumstances in which they are seen.
- (e) Promote the natural beauty of the city in a manner that will protect property values, and create a more attractive economic and business climate.
- (f) Maintain and enhance the aesthetic environment by reducing visual clutter without unduly restricting the city's ability to attract sources of economic development and growth.
- (g) Preserve public property and rights of way and its authorized users and franchisees.
- (h) Minimize the possible adverse effect of signs on nearby public and private property.

Sec. 24-209. Definitions, signs.

A-Frame sign. A portable sign used for pedestrian advertising on a sidewalk or similar location, consisting of one (1) or two (2) sign faces attached at the top with hinges or similar device allowing for easy transport. Also referred to as sidewalk or sandwich signs.

Ancillary sign. A sign subordinate to the main tenant sign and part of the overall signage for the structure.

Awning. A shelter supported entirely from the exterior wall or window frame of a building.

Balloon sign. Any sign of fabric type or other material, inflated by air or gas to a point of semi-rigidity for the purpose of floating above the ground or a building.

Banner. A sign of lightweight fabric or flexible plastic that is mounted with no enclosing framework.

Blade sign. A non-electric sign hanging beneath a canopy, attached to the face of a building or post.

Box sign. A sign in the form of an enclosed box or cabinet where the entire face of the sign is lighted from fixtures located within the structure.

Business identification sign. Any sign identifying a specific business, retail, wholesale, industrial, or any other profession, and is located upon the subject property.

Canopy. A roof structure extending from the front of a building over a sidewalk or walkway which may be wholly or partially supported by columns, poles, or braces extending from the ground.

Canopy sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Changeable letter sign. A sign on which message copy is changed manually or electronically, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels. A changeable letter sign shall be counted as a sign face.

Channel letters. Individual letters usually lighted from an interior light source and attached to a building separately.

Conforming sign. A sign which is in compliance with all the provisions of the Sign Ordinance, Article IX, of the City Code.

Construction sign. A single sign giving the name or names of building owners, architects, engineers, and/or lending institutions and principal contractors responsible for construction on the site where the sign is placed, together with other appropriate information included thereon.

Decorative pole banner. A decorative or ornamental banner attached to a lighting or pole fixture.

Directional sign. Any on-site or off-site sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Directory. A listing of names and/or uses, or locations of more than one (1) person, business, activity, or professional or general office conducted within a building, group of buildings, or shopping center. Such a directory contains no other identifying/advertising message than that listed above.

Double-face sign. A sign which has two (2) or more display surfaces backed against each other, or against the same background, one face of which is designed to be seen from one direction and the other from the other direction.

Electric sign. Any sign containing electric wiring, but not including signs illuminated by an exterior light source.

Electronic sign. Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered by electrical, electronic or computerized process, on a fixed display screen composed of electrically illuminated segments.

Externally illuminated sign. Any sign illuminated by shielded electric lights which are not part of the sign.

Façade. The face of a building from the ground to the roofline.

Sign face. The part of the sign that is or can be used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. The frame or structural members may be considered as part of the sign face if it is so designed with lighting or other ornamentation that is incorporated for the sign design.

Flashing sign. An illuminated sign that is not kept constant in intensity or display of light or color when the sign is illuminated.

Freestanding sign. Any sign that is not attached to or painted on a building, but that is affixed to a supporting structure that is attached to the ground by a concrete foundation or footing. Such signs include monuments, pole, and pylon signs.

Gooseneck lights. Lights used to light a sign, canopy or awning. Typically these lights extend from the building wall above a sign and are used to illuminate the sign.

Grade (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk.

Graphic sign. Any mural or pictorial scene or graphic design painted on the side of a wall or building or painted on a sign board affixed to a wall.

Halo-lighted sign. A sign using individual letters in which the light is emitted from behind the letters creating a halo effect around the sign.

Illegal sign. A sign which was not in compliance with the applicable chapter when it was erected, installed, altered, or displayed.

Illuminated sign. A sign that is illuminated by electric or other devices, mainly for clear visibility at night.

(a) *Direct (or internal) illumination,* a light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing (neon lights) is one kind of direct illumination.

(b) *Indirect (or external) illumination,* a light source which is placed outside of or away from the sign in a manner to illuminate the sign.

(c) *Luminous tubing,* a light source formed by glass tubes filled with gas, known as neon lights.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "hours of operation," "delivery entrance," "fire exit," and other similar directives.

Internally illuminated sign. Any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign, or luminous tubes designed for that purpose.

Marquee sign. A sign designed to have manually changeable copy. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.

Monument sign. Any sign in which the bottom of the sign is usually flush with the ground, constructed of a wooden, stone, masonry, or stucco mounted on a freestanding solid structure supported solely by its own ground-mounted base or supported by two column-like supports.

Multi-tenant center. Any shopping center, office center or business center in which two or more occupancies abut each other on the site or share common parking facilities or driveways, or are otherwise related.

Neon sign. A sign containing glass tube lighting in which a gas and phosphorous are used in combination to create a colored light.

Non-conforming sign. A sign lawfully erected and maintained prior to the adoption of this ordinance that does not conform with the requirements of this ordinance.

Off-site sign. A sign which directs attention to a business, service, institution or product offered not located on the same lot where the sign is displayed.

On-site sign. A sign which directs attention to a business, service, or product offered on the same lot where the sign is displayed.

Painted wall sign. A sign applied to a building wall with paint, dye or other similar materials, and which has no sign structure.

Parapet. A false front or wall extension above the roofline of a principal building.

Permanent sign. Any sign which is not classified as a temporary sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Pole sign. Any sign erected upon a pole (or poles) that is wholly independent of any building and/or other structure for support.

Portable sign. A sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure.

Principal building. The primary structure, excluding ancillary, accessory or attached structures or devices.

Principal sign. The primary sign on the building or property.

Projecting sign. A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

Roof line. Considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or façade.

Sign. Any device designated to inform or attract the attention of persons (See also section 24-1.)

Special event sign. Any temporary sign which solely advertises a function or event of a non-profit, commercial or industrial organization, civic event or meeting, or other similar activity of a temporary nature.

Street, private. Any road or street that is not publicly owned and maintained which is used for access by the occupants of the development, their guests, and the general public.

Street, public. A public roadway constructed within the boundaries of an officially

dedeered and accepted public right of way, dedicated for general public use and maintained by a public agency.

Structural alteration. Any change of sign face, color, size, shape, illumination, position, location, or supporting structure or enclosure of any sign.

Temporary sign. Any sign, banner, or advertising display intended to be displayed for a limited time period.

Traffic control sign. Any sign found in the *Manual of Uniform Traffic Control Devices*, as may be amended from time to time, or any sign erected for traffic control purposes by a governmental agency or authority.

View shed. The area within view from a defined observation point.

Window sign. A permanent and/or temporary sign inside or outside of, and attached to, or painted on the surface of windows.

Sec. 24-210. General provisions.

Except as otherwise specifically provided in article IX, the following provisions apply in all zones:

(a) Area computation for signs:

- (1) The area of a sign shall include the entire face of the sign and any wall work incidental to its decoration, and shall include the space between letters, figures and designs.
- (2) All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two (2) sides thereof are back-to-back or separated by an angle of forty-five (45) degrees or less. In the latter case, if the two (2) sides are not equal size, the larger side shall be measured.
- (3) Addresses for any building or tenant may be excluded from the allowable signage for that building or tenant so long as the address letters or numbers do not exceed six (6) inches in height.

(b) Flags: Flags identifying other than a governmental unit shall bear only a symbol and identifying name, shall be affixed only to flagpoles and shall not exceed four (4) feet by six (6) feet in size.

(c) Height:

- (1) Unless otherwise specified by a subsection of this chapter, signs not attached to a building shall not exceed ten (10) feet in height. The height shall be measured from the finished grade of the property at the base of the sign.
- (2) The planning commission may approve a sign exceeding the height prescribed herein pursuant to subsection 24-213A(f) upon a finding that an unnecessary hardship will result due to topographic or other physical conditions relating to the property.

(d) *Home based businesses:*

- (1) A home based business, as defined by this code, may display one (1) non-illuminated sign or symbol at the premises, affixed to the building only.
- (2) The sign shall not exceed an area of seventy-two (72) square inches with maximum dimensions of six (6) by twelve (12) inches and cannot be erected to protrude more than two (2) inches from the building. A separate permit for such signage is required, pursuant to subsection 24-213A(a) of this code.

(e) *Lighting:* The light source intended to illuminate a sign shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.

(f) *Non-English language signs:* Each application for a non-English language sign shall contain an English translation or description of the wording of the sign and business activity.

(g) *Placement or location:*

- (1) No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.
- (2) The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than fourteen (14) feet above the finished grade below it.
- (3) Unless otherwise indicated in this section of article IX, signs shall be permitted within any yard and/or building restriction line setback area.

- (4) Any sign projecting from the wall of any commercial or industrial building shall also comply with the provisions of subsection 24-212(o) of this article unless such building is sited on or within two (2) feet of the front property line.

(h) *Public right of way.*

- (1) Except as to noncommercial signs specified in subsection three (3) of this section or otherwise provided in this article, no sign shall be placed in any city, county or state right of way except signs erected by a public agency and identification signs for a community development or subdivision project defined in subsection 24-211(g) of this article on a residential primary or secondary street within or abutting the community; provided, that such identification sign shall not be located so as to constitute a hazard to the safety of motorists and pedestrians, shall be subject to the approval of the city manager, or designee, and erected pursuant to a revocable sign permit, the issuance of which is conditioned upon removal of the sign at no cost to the city at such time as the city manager, or designee, may direct.
- (2) No signs, except signs erected or authorized to be erected by a public agency, shall be attached to utility poles, public traffic control signs, or placed in median strips.
- (3) No sign shall be placed in any area designated as a proposed right of way on the most recent approved and adopted master plan of the city, except signs issued pursuant to a permit, the duration of which shall expire prior to the initiation of construction within said right of way, including signs located on industrially or commercially improved property, real estate signs, directional signs, or signs advertising a civic, religious or charitable event; provided, however, the city planning commission shall, in the case of permanent signs, first review said sign as to its compatibility and traffic safety and make recommendations to the city manager prior to a revocable permit being issued by the city manager, or designee. Permits issued hereby are to be conditioned upon removal of the sign at no cost to the city at such time as the city manager, or designee, may direct.

Sec. 24-210A. Prohibited signs and sign devices.

(a) *Attaching signs to other objects:* Signs erected by nailing, fastening or affixing the sign in any manner to any tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure except as may be set forth herein, are prohibited.

(b) *Changeable letters (non-electronic):* Non-electronic hand-changeable letter signs are prohibited, except on buildings or properties of civic, religious and quasi-

public organizations, movie theatres and other entertainment venues, and gas station pricing signs, which comply with subsection 24-212(e).

(c) *Flashing signs*: A flashing or blinking sign, or a sign with intermittent or varying intensity of illumination of a sign is prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for a sign indicating the time or date or temperature changes, a combination thereof, or a traditional barber pole used for barber shops.

(d) *Illegal advertising*: Signs advertising activities, services, or products that are illegal under federal, state, or local laws and regulations are prohibited. This section shall not prohibit signs promoting the legalization of any matter presently prohibited by federal, state, or local law.

(e) *Internally lit box signs*: Internally lit box signs are not permitted unless the background is opaque where only the letters or logos are illuminated, with the exception being signs under five (5) square feet. Avoiding white background will reduce glare and improve readability. However, the color white may be used for the letters and logos. Any existing internally illuminated box sign that has a white background may remain until it is replaced, at which time it must conform to this article.

(f) *Moving signs and devices*: Moving signs and signs with moving parts are prohibited. Also prohibited are pennants, flashing lights and strings of light bulbs, as well as hot air balloons, streamers, and similar air-propelled devices which advertise a product or service. Pinwheels or similar circus or carnival type attractions are prohibited, provided that this prohibition shall not apply to the Montgomery County Fairgrounds.

(g) *Obscene signs*: No sign shall contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

(h) *Paper signs*: Paper signs which cover the front of a building are prohibited.

(i) *Portable or movable signs*: Portable or movable signs which are not firmly attached to a structure are prohibited, except as provided in subsection 24-212(a). Portable and movable signs shall include signs carried, waved or otherwise displayed by persons either in public right of ways or visible from public right of ways for the purpose of drawing attention for commercial sales.

(j) *Off-site signs*: A sign advertising a building, product, business, service or institution which is not located on the same lot as the sign is prohibited, except as provided in subsection 24-212(n).

(k) *Traffic hazards*: No sign shall be permitted which by reason of its shape, color or wording may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.

(l) *Vehicular signs:* A sign placed on any motor vehicle, trailer or other movable device, defined herein as a vehicle sign, that reasonably indicates intent to make principal use of such vehicle or device as a sign is prohibited.

Sec. 24-211. Signs permitted in all zones.

Subject to the other conditions of article IX and as noted in this section, the following signs shall be permitted in any zone:

(a) *Banners:*

- (1) No banner in excess of forty-eight (48) square feet shall be hung from the wall or roof of any building. Banners shall be composed of lightweight fabric or flexible plastic, shall be safely secured to a wall or roof by metal couplings or fittings and shall be temporary in nature.
- (2) No more than one banner may be attached to a single building or location at one time. A banner may be attached to each such building or location a maximum of twice per calendar year, with each such display to be limited to a maximum duration of thirty (30) days.
- (3) All banners are prohibited in residential areas, except on the buildings or property of civic, religious and quasi-public organizations, provided that where permitted, civic, religious and quasi-public organization must comply with subsection 24-211(c).
- (4) This section will not apply to decorative pole banners attached to lighting or pole fixtures as described in subsection 24-212(f) nor to street banners described in subsection 24-211(k).

(b) *Child care or elderly care signs:*

- (1) Uses accommodating eight (8) or fewer individuals.
 - (i) Signs for child care or elderly care uses, accommodating not more than eight (8) individuals located within single-family attached or detached dwellings, shall not exceed one (1) non-illuminated sign or symbol at the premises, affixed to the building only.
 - (ii) The sign shall not exceed an area of seventy-two (72) square inches with maximum dimensions of six (6) by twelve (12) inches and cannot be erected to protrude more than two (2) inches from the building. A separate permit for such signage is required, pursuant to subsection 24-213A of this code.
- (2) Uses accommodating nine (9) or more individuals.

- (i) Such uses accommodating nine (9) or more individuals shall have a sign no greater than twenty-five (25) square feet, unless approved by the authorizing body, whether the planning commission or the board of appeals.
- (ii) A separate permit for such signage is required, pursuant to subsection 24-213A of this code.

(c) *Civic, religious and quasi-public signs:*

- (1) Name, directional and informational signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum yard requirements of the zone in which the sign is located.
- (2) Each sign shall not exceed six (6) square feet in area. If freestanding, the height of such sign shall not exceed eight (8) feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame.
- (3) Subsection 24-210A(j) shall not apply to such signs.

(d) *Construction signs:*

- (1) Signs shall be permitted for all building contractors, leasing agents, professional firms and all lending institutions involved in the construction, enlargement, reconstruction or repair of a building or structure.
- (2) Each such sign shall not exceed forty-eight (48) square feet in area with not more than a total of one hundred fifty (150) square feet of such signage permitted on one site.
- (3) If freestanding, the height of each such sign shall not exceed ten (10) feet.
- (4) Each such sign shall be temporary in construction and nature and be removed prior to the issuance of a final use and occupancy permit.

(e) *Election campaign and ballot questions signs:*

- (1) Signs announcing candidates seeking public political office, or authorized ballot or referendum questions, and other data pertinent thereto shall be permitted up to a total area of nine (9) square feet for each premises in a residential zone or containing a single-family dwelling, and sixteen (16) square feet in a commercial or industrial

zone. The sign must not exceed eight (8) feet from grade to top.

- (2) These signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended.
- (3) In cases where a final election follows within seventy-five (75) days of a primary election, those candidates who won in the primary election or those running unopposed may continue to display their signs during the interim period and up to seven (7) days after the final election.
- (4) In commercial zones, permits shall be required for signs located at campaign headquarters only.
- (5) No illumination of political signs shall be permitted.

(f) *Integral part of structure:* Names of buildings, dates of erection, monumental citations, commemorative tablets and the like are permitted when carved into stone, concrete or similar material or are made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(g) *Permanent identification signs:*

- (1) On-site signs of a permanent nature, setting forth the name of a church, community, development, center or other like projects, shall be permitted. Such signs shall be deemed to include community bulletin boards.
- (2) Such signs may be freestanding or may be attached to a building wall or a decorative wall; provided, however, where such sign is a part of a decorative wall, only the message area shall be calculated toward the total signage permitted.
- (3) Any such sign shall not impair site distance to safe egress from the property and shall not exceed twenty-four (24) square feet in area; provided, however, that the planning commission may approve such an identification sign in excess of twenty-four (24) square feet in area upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies justifies such larger area, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to traffic, vehicular or pedestrian.
- (4) All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed, and shall only be lighted from an exterior light source which has a disconnect switch in close proximity to the sign.

(h) *Private traffic direction signs:*

- (1) Signs directing traffic movement onto or within private property are permitted and are exempt from the restriction contained in subsection 24-210A(c).
- (2) Such a sign shall not exceed eight (8) square feet in area and shall not exceed ten (10) feet in height, unless otherwise specifically authorized within this subsection.
- (3) Such signs directing traffic movement onto or within an office park with multiple buildings totaling ten thousand (10,000) square feet of floor area or more shall not exceed fifteen (15) square feet in area each.
- (4) Such signs directing traffic movement onto or within a shopping center totaling one million (1,000,000) square feet of floor area or more shall not exceed thirty (30) square feet each in area, and may include the name of the center, and name of and direction to, primary anchor tenants of greater than seventy-five thousand (75,000) square feet.
- (5) Such signs directing traffic movement within an office complex may include the name of, and direction to, primary anchor tenants of greater than twenty-five thousand (25,000) square feet occupying at least one-half (1/2) of the area of a building.
- (6) Directional signs painted on paved areas are exempt from the maximum area stated above.
- (7) Directional signs with either a number or letter identification and/or special symbol or logo and attached to light poles, which inform and direct the public to locations within private parking lots of retail centers or office parks, shall not exceed thirty (30) square feet each in area and shall not exceed ten (10) feet in height.
- (8) Private traffic directional signs shall not contain the name of a business or business product, unless otherwise specifically authorized within this subsection, or unless the business is remotely located or a unique access situation is involved, and the planning commission has approved such sign based upon such unique circumstances.
- (9) In addition, one or more off-site signs not exceeding a total of twenty (20) square feet on any one lot giving direction to a church, school, residential community, community theater, or recreational or community facility within one thousand (1,000) feet of the lot or parcel containing the sign may be erected on any residentially zoned lot not improved with a single-family dwelling.

- (10) The planning commission may approve one off-site directional sign with a message area not exceeding twenty-four (24) square feet which gives direction to a residential community located within two thousand five hundred (2,500) feet of the lot or parcel containing the sign. The message area of the sign may be located on a wall not exceeding five (5) feet in height above ground level. Any area not covered by the sign text, lettering, symbol or logo, shall not be considered as part of the message area of the sign.

(i) *Public signs:* Signs of a noncommercial nature and in the public interest such as directional signs, regulatory signs, warning signs and informational signs may be erected by or on the order of, a public officer in the performance of his duty.

(j) *Real estate signs:*

(1) Tract of two (2) acres or more:

- (a) One temporary real estate sign including but not limited to sales, leasing, development and financing information not exceeding forty-eight (48) square feet in area and located on the property to which it relates shall be allowed for each tract two (2) acres or more in area.
- (b) If the tract has frontage on more than one improved public street, one additional sign not exceeding forty-eight (48) square feet in area shall be allowed on the property to be placed facing the additional frontage.
- (c) Under no circumstances shall more than two (2) such signs be permitted on the property.
- (d) Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the building or property.

(2) Tract less than two (2) acres:

- (a) One temporary real estate sign not exceeding twelve (12) square feet in area and located on the property to which it relates shall be allowed for each tract less than two (2) acres in area.
- (b) For individual lots, one temporary real estate sign, not to exceed six (6) square feet, shall be allowed and must be placed on the property to which it relates.
- (c) Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the property.

(3) Real estate directional signs:

- (a) Temporary real estate directional signs not exceeding three (3) square feet in area and four (4) in number showing a directional arrow and placed back of the front property line shall be permitted on each approach route to a house which is for sale and open for inspection.
- (b) The height of such signs shall not exceed three (3) feet.
- (c) Such directional signs announcing such an open house may be placed in the public right of way on weekends between the hours of noon Saturday and sundown on the following Monday; provided that where, in the opinion of a police officer, signs so placed constitute a hazard to traffic, the police officer or other authorized personnel of the city may remove such signs. Subsection 24-210A(j) shall not apply to such signs.
- (d) Such signs may be located in a public right of way but shall not impede nor be a danger to public safety. Such signs shall not be placed in median strips.
- (e) The removal of these signs shall be the responsibility of the owner thereof, which shall be presumed to be the company or person identified on the sign. The city may seek recovery of costs for removal of such signs and any court of competent jurisdiction may award reasonable costs to the city.

(4) Residential subdivision identification sign:

- (a) One temporary residential subdivision identification sign for each development of ten (10) lots or more, not exceeding sixty (60) square feet in area and located on the property, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.
- (b) One temporary identification sign announcing the opening of any commercial, industrial or multi-family residential project, not exceeding sixty (60) square feet in area and located on the property, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.

(k) *Street banners:* Street banners advertising a public entertainment or event, if specifically approved by the city manager, or designee, and in locations designated by the city manager, or designee, may be displayed fourteen (14) days prior to, and during, and seven (7) days after the public entertainment or event. These regulations shall not apply to banners covered by the provisions of subsection 24-211(a) and subsection 24-212(f) of this code.

(I) *Temporary signs:*

- (1) Temporary signs, excluding banners composed of lightweight fabric or flexible plastic regulated pursuant to subsection 24-211(a), may be used to announce any special event or function not exceeding thirty (30) consecutive days for each event to be sponsored by a public, charitable, civic, educational or religious organization.
 - (a) Such sign shall be located on the lot or parcel on which the event or function is to take place, and must be set back no less than ten (10) feet from the property line and placed so as not to impair safe sight distance.
 - (b) Such a sign shall be erected no more than fourteen (14) days prior to the event or function and must be removed within three (3) days after the end of the event or function.
 - (c) The sign shall not exceed ten (10) feet in height nor forty-eight (48) square feet in area.
- (2) All other temporary signs, excluding banners composed of lightweight fabric or flexible plastic regulated pursuant to subsection 24-211(a), announcing any special event or function not exceeding twice per calendar year for all such events and functions and not exceeding thirty (30) consecutive days on each occasion, including those sponsored by any commercial or industrial organization, may be located on the property where the event is to take place.
 - (a) Such a sign shall be erected no more than fourteen (14) days prior to the event and must be removed within three (3) days after the event. Section 24-212 shall not apply to such a sign.
 - (b) The sign shall not exceed ten (10) feet in height nor forty-eight (48) square feet in area.
- (3) Nothing in subsections 24-211(I)(1) and 24-211(I)(2) shall be construed to prohibit off-site signs of a temporary nature which announce one-day special events. Such signs shall not exceed twenty-four (24) square feet in area and shall not be more than ten (10) feet high. Further, such signs shall comply with the location, erection and removal requirements of subsections 24-211(I)(1) and 24-211(I)(2) above.

Sec. 24-212. Commercial and industrial signs.

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, and MXD Zones. Guidelines adopted for the CD and CBF Zones, each as may be amended by resolution, are incorporated into this article IX and

are binding pursuant to chapter 24, article IX of the city code. If a conflict exists between those guidelines and the provisions of chapter 24, article IX, the guidelines shall control.

(a) *A-frame signs*: One A-frame sign is permitted for each business and must comply with the following regulations:

- (1) Must not exceed three (3) feet in width and four (4) feet in height.
- (2) Must be located within twenty (20) feet of the entrance.
- (3) Must be removed daily at the close of business and during periods of inclement weather.
- (4) Must not impede the flow of pedestrians or vehicles, nor cause any safety problem related thereto.
- (5) Must have a permit which may be revoked at any time for violations of this article.
- (6) Must be of sturdy, heavy duty material.
- (7) The total area of any A-frame sign shall be counted toward the total allowable signage for any one tenant or business.
- (8) Unless specifically permitted by the city manager, or designee, an A-frame sign shall not be placed in the public right of way.

(b) *Automobile dealership signs*:

- (1) A freestanding sign that was erected on automobile dealership property prior to the effective date of the ordinance enacting this section, and which does not conform to this article because it exceeds the number of signs allowed under subsection 24-212(m), is not prohibited provided it does not exceed fifteen (15) feet in height from grade at the base of the sign.
- (2) Any freestanding sign, that was erected prior to September 17, 1990 and does not conform to this article because it exceeds fifteen (15) feet in height, is permitted to remain, provided it is modified to not exceed sixteen (16) feet in height; and further provided, however, one such freestanding sign may be permitted to remain without modification, provided such sign does not exceed twenty-five (25) feet in height. Furthermore, one pre-existing freestanding sign which exceeds twenty-five (25) feet in height may be permitted to remain, subject to the following conditions and requirements:

- (i) Such sign may be repaired or maintained, but may not be increased in height or area of fascia (including any sign box component); and
 - (ii) Such sign may not be removed or relocated, and should such sign be destroyed or damaged in excess of fifty percent (50%) of its value at that time by any cause, it shall be forthwith removed; and
 - (iii) The allocation of signage for such sign toward allowable signage for the property upon which it is located shall be 1.8 times the square footage traditionally calculated for such signage.
- (3) Additional freestanding signs may be permitted in excess of the number of signs allowed under subsection 24-212(m), provided said signs comply with subsection 24-212(b)(4).
- (4) All applications for permits for signs to be erected, altered, refaced or moved on automobile dealership premises shall be submitted to the planning commission for review. The planning commission may review all existing signs, excluding lawful nonconforming signs permitted under subsections 24-212(b)(1), and 24-212(b)(2), and proposed signs for compatibility with the surrounding area and for impact on the streetscape in terms of visual clutter. The planning commission may limit the height or area of the sign, may restrict the location of the sign on the premises, and may reduce the total sign area allowed under subsections 24-212(c) and 24-212(m).

(c) *Building signs:*

- (1) The total area of signs for any building, except in the R-B, CBD, and CD Zones, shall not exceed ten (10) percent of the total square footage of the facades of a building holding the signs and shall have a maximum size of one hundred (100) square feet for any individual sign. Provided, however, that signage is limited to only those sides of a building that face a public street or have a public entrance, unless approved by the planning commission. This provision shall not apply to incidental signs as defined in section 24-209 of this code.
- (2) Signs for large, single retail businesses and large office buildings over 100,000 square feet of gross leaseable area may exceed one hundred (100) square feet with planning commission approval subject to subsection 24-213A(f) of this article.
- (3) No window or part of a window shall be situated within the area, or surface area, as defined herein, of such sign, or its supporting structure, nor shall any such sign or part of such sign or its supporting structure cover any window or part of a window.

- (4) No flat wall sign shall extend above the roofline or parapet wall.
- (5) A flat wall sign may not be located on that portion of a commercial or industrial building or structure facing abutting residentially improved property which is not separated by an improved public road from the property upon which said signs are located, except where the planning commission finds that an unlighted sign is compatible with the design principles of the building and residential area per subsection 24-213A(f) of this article.
- (6) Internally lighted illuminated channel letters, halo-lighted letters, externally illuminated letters, or flat wall signs are permitted on buildings more than twenty (20) feet from the edge of the street abutting the building. Buildings within twenty (20) feet of the street edge must only use non-internally illuminated signs.
- (7) Ancillary signs are permitted in addition to the main tenant sign but may not exceed twelve (12) inches in letter height and must count toward the total allowable square footage for that tenant or building. Provided, however, that signage is limited to only those sides of a building that face a public street or have a public entrance.
- (8) Signs for individual businesses within a shopping center or other commercial building must have letters that are proportional to the area or background on which the letters are placed and shall not exceed seventy-five (75) percent of that area. Multiple-tenant buildings, such as in shopping centers or office buildings, are allowed no more than one sign per tenant attached to each facade of the building that is permitted to have signage.
- (9) Single-tenant buildings are permitted only one sign on each face of the building permitted to have signage.

(d) *Canopy signs:* Signs on awnings or canopies shall not exceed eighteen (18) inches in letter height and shall contribute to the total allowable signage. Any lighting fixtures mounted under canopies shall be allowed for public safety only.

(e) *Changeable letter signs (non-electronic):*

- (1) Signs with changeable letters, excluding theater marquees and service stations, shall be no greater than 30 square feet and shall comply with subsection 24-210A(b).
- (2) Size and height requirements for theater marquees shall be determined by the planning commission. Service stations pricing signs are regulated by the State of Maryland.

(f) *Decorative pole banners:* Decorative pole banners incorporating wording are permitted as part of the allowable signage ratio.

(g) *Directional signs for other lots:*

- (1) One or more signs not exceeding a total of twenty (20) square feet on any one lot may be erected on any lot in these zones giving direction to a use or uses on one or more other lots within six hundred (600) feet of such a lot.
- (2) The provisions of subsection 24-210A(j) shall not apply to such signs. This provision shall not be construed to permit a total sign area on such lot in excess of the maximum permitted by paragraph (c) of this section.

(h) *Directories:* Directories listing multiple tenants of an office building, shopping center or other like building are permitted within the property and located away from the public street so as not to be visible by vehicular traffic. These signs do not count towards allowable signage.

(i) *Electronic signs:* Electronic signs as defined in section 24-209 must be approved by the planning commission. In addition to all the other requirements of section 24-212, the following requirements shall apply:

- (1) An electronic message display board must not have any distracting appearance of motion, flashing, blinking, or shimmering.
- (2) The area occupied by the message on an electronic message display board may comprise no more than fifty (50) percent of the surface area of the allowable signage.
- (3) No more than one (1) changeable sign (i.e., electronic message display board with two sides), is permitted per lot of record.
- (4) An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.
- (5) An electronic message display board that is readily visible to drivers of vehicles on any public way must have characters of sufficient size and spacing to be easily discerned and must not constitute a safety hazard by distraction of drivers.

(j) *Icon signs:* Signs using icons, including icons in the form of any person, animal, vegetable, fruit, product, or any of the foregoing, may be allowed. Such sign shall require prior approval of the planning commission.

(k) *Lots without buildings:* Signs for businesses conducted on a lot or on lot unimproved by a building shall be allowed a total area for all signs, not to exceed one-

half (1/2) square foot for each linear foot of lot frontage, or one hundred (100) square feet overall, whichever is smaller. Signs on unimproved lots shall comply with all restriction on freestanding signs as described in this article.

(l) *Marquee signs:*

- (1) Marquee signs shall be allowed, and either:
 - (i) May be placed on the vertical faces of a marquee which consists of a canopy or covering structure projecting from and attached to a building, or;
 - (ii) May project below the lower edge of a marquee not more than twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than ten (10) feet above the sidewalk or grade at any point.
- (2) No part of the sign shall project above the top of the vertical faces of a marquee.
- (3) Signs shall not be permitted anywhere on a marquee which projects over any public right of way.
- (4) Movie theater marquee signs shall not be computed as part of the allowable signage.

(m) *Monument signs:*

- (1) One freestanding monument sign facing each public street frontage, not exceeding ten (10) feet in width and eight (8) feet in height from grade at the base of the sign is permitted for each lot or parcel containing a building, with a maximum total of two (2) signs exclusive of theater marquee or service station signs. If two such signs are allowed, the sign locations and orientation must not allow both signs to be read in the same view shed.
- (2) Monument signs in excess of eighty (80) square feet and higher than eight (8) feet but not more than twelve (12) feet may be approved by the planning commission upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies, justifies such larger area and height, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to vehicular or pedestrian traffic as per subsection 24-213A(f).
- (3) Channel letters and halo-style letters are permitted on monument signs. Neon lighting is not permitted on monument signs.

- (4) Internally lit monument signs are permitted if only the letters or logos are illuminated. White backgrounds are to be avoided to reduce glare and improve readability. However, the color white may be used for letters and/or logos.
- (5) Individual letter height shall not be less than seven (7) inches and not more than twelve (12) inches.
- (6) The inclusion of electronic message boards as defined in section 24-209 must be approved by the planning commission.
- (7) All monument sign permits shall include a base landscape design and lighting plan, if lighting is proposed.
- (8) Monument signs for multi-tenant centers must state the name of the center and its main address or range of addresses.

(n) *Off-site commercial signs:* A sign which advertises a building, product, business, service or institution not located on the same lot or parcel is permitted provided it meets all of the following:

- (1) The sign does not exceed nine (9) square feet in size.
- (2) The sign shall be single faced.
- (3) The sign is located on land zoned in a non-residential zoning district.
- (4) The sign shall not be located within one thousand (1,000) feet of any other property with a sign advertising the same building, product, business, service or institution.
- (5) The sign is not illuminated.

(o) *Projecting signs:*

- (1) No projecting sign or supporting structure shall project more than forty-two (42) inches from the wall of a commercial or industrial building.
- (2) No projecting sign shall be within two (2) feet of the roadway.
- (3) No projecting sign shall be less than ten (10) feet from the ground level at the base of the building.
- (4) No part of the sign or supporting structure shall extend above the roofline or be located in such a manner as to cover any part of a window or obstruct light and vision of a window.

(p) *R-B zone signs:* In the R-B Zone, the total sign area on any lot shall not exceed one (1) square foot for each linear foot of building facing a street, and not more than one (1) square foot of signage for each linear foot of building frontage shall be allowed to face a single side of a building in this zone.

(q) *Roof signs:*

- (1) No sign shall be erected or constructed on the roof of any building including residentially occupied structures.
- (2) For the purpose of this regulation a roof shall be defined as the highest horizontal surface of any building, exclusive of any mechanical equipment structure on said roof.

(r) *Service station signs:*

- (1) There shall be a maximum of five hundred (500) square feet of total signage permitted at a single service station, including signage related to brand name (such as on canopy and pumps), pricing, and any accessory uses.
- (2) No more than one service station identification sign is permitted and said sign shall be no higher than six (6) feet in height and no greater than twenty-five (25) square feet in size. The sign must state the name of the service station and may have ancillary signage including, but not limited to, the inspection station number and additional services.
- (3) One monument sign depicting the brand of gasoline and the state pricing signage is permitted.
 - (i) All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) feet and no wider than ten (10) feet.
 - (ii) Each monument sign erected or structurally altered after the effective date of this article shall be no greater than eighty (80) square feet in size, including the state-required pricing signage.
 - (iii) All such signs erected prior to the effective date of this ordinance which are greater than eight (8) feet in height are permitted to remain unless modified in any way that requires the issuance of a permit, in which case they shall be required to conform to this ordinance.
 - (iv) Only one additional monument sign may be permitted, if the station is located on a through lot as defined in section 24-1.

(4) In addition to the maximum amount of signage permitted in subsection 24-212(r)(1) above, one promotional banner not exceeding forty-eight (48) square feet shall be permitted at all times and can only be attached to the pump canopy and its supports, a kiosk or a station house, and must not interfere with pedestrian walkways. Section 24-211(a) does not apply to these banners.

(5) Exterior merchandise displays are prohibited except that vending machines bearing product identification shall be permitted within an enclosed area or adjacent to a building wall and auto-related products or soft drinks only can be displayed in the vicinity of the pump islands, station house or kiosk. Subsection 24-210A(i) does not apply to signs on such displays. Such displays must not impede vehicular or pedestrian traffic.

(s) *Window signs:*

(1) Signs shall be permitted inside a window so as to be visible from the outside of the building without reference to the area limitation contained in subsection 24-212(c); provided, that the total area of each window sign shall not exceed fifty (50) percent of the total window area of each individual window, and the total area and all window signs shall not exceed the maximum allowable permanent signage permitted by this article.

(2) The provisions of this subsection shall also apply to messages painted on a window, such messages to be considered a "window sign" under this subsection.

(3) Signs advertising charitable organizations, events or activities shall not be included in the regulations contained in this section.

(4) No exterior window signs are permitted.

(5) Neon signs are covered by the provisions of subsection 24-212(t).

(6) A permit is not required for window signs which are placed on the inside of a window.

(t) *Window neon signs:*

(1) Neon signs located inside a window and visible from the exterior may be located within each individual business location and must be set back a minimum of six (6) inches from the window to prevent glare.

(2) Neon signs will be limited to a total area of five (5) square feet for each business location and will be included in the total allowable signage for the building and windows.

- (3) All neon signs facing, abutting, or confronting residential uses must be turned off at the close of business.
- (4) All neon signs shall be properly labeled and listed by licensed listing and labeling companies. All such signs must have a disconnect switch within sight of the sign.
- (5) Neon outlining of windows is prohibited.

Sec. 24-213. Nonconforming signs.

(a) Any sign lawfully displayed on the effective date of this ordinance enacting this section which does not conform to this article shall be altered to conform to said article or shall be removed not later than five (5) years after that effective date.

(b) Monument signs that are fifteen (15) feet in height or less, or signs supported by two poles which are fifteen (15) feet in height or less, are legally non-conforming and can remain until structurally altered.

(c) Any existing sign over fifteen (15) feet in height shall be altered to conform to said article or be removed no later than five (5) years after the effective date of this article.

(d) Single pole signs between twelve (12) and fifteen (15) feet in height shall be brought into conformance with said article within the time period stated in subsection 24-213(a) above. If subject to structural alteration as defined in section 24-209 of this chapter, they must be brought into conformity with said article.

(e) Any legally existing internally illuminated box sign that has a white background may remain until it is structurally altered at which time it must conform to this article.

Sec. 24-213A. Permits.

(a) Sign permit required:

- (1) Except as specifically excluded from the provisions of this ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit. The city manager, or designee, may seek the advice of the planning commission in connection with any application for such a permit.
- (2) The duration of a sign permit corresponds to the type of sign allowed under section 24-211 of this article.
- (3) Where a sign will also require a building, electrical or other related permit under the provision of this code, the city manager, or designee,

shall have discretion with respect to the duration of such permits and is authorized to establish conditions for the issuance thereof.

(b) *Sign permit application requirements:* Applications for sign permits shall be filed by the sign owner or his agent in Planning and Code Administration upon forms furnished by said office. The application, which may be modified from time to time, shall describe and set forth such information as to fulfill the requirements of this article and shall generally include the type, size, location, and materials of the sign and its supporting structure; the name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and written consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign.

(c) *Compliance with codes:* All signs shall comply with relevant requirements of the city building code, the Maryland High Voltage Line Act, and if they contain electrical components, shall additionally comply with the requirements of the city electrical code.

(d) *Denial or revocation of permits:* If the city manager, or designee, shall deny any application for such a permit or revoke or suspend a permit, the applicant may seek administrative review of such denial by the board of appeals, pursuant to the provisions of article VII of this chapter, which shall have the power to order the issuance of the permit or sustain the decision of the city manager, or designee.

(e) *Permits for temporary signs:* Permits issued for the erection and placement of temporary signs may, by resolution of the city council, be required to be secured by cash deposit, letter of credit or bond to reimburse the city for the cost of removal of such signs where said signs are in violation of their permits, the provisions of this article or any lawful directive of the city manager, or designee, with respect thereto. The provisions of this subsection 24-213A(e) shall not apply to nonprofit organizations or community groups. The city manager, or designee, is authorized to forfeit any deposit, letter of credit or bond upon written notice to the permittee or owner of the sign.

(f) *Sign adjustments:* Where a literal application of this ordinance, due to special circumstances, would result in an unusual hardship in an individual case, an adjustment may be granted by the planning commission provided that such adjustment would not cause a detriment to the health, safety and welfare of the public, upon a finding that:

- (1) There exist exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area; and
- (2) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated; and
- (3) Granting the adjustment would not confer on the applicant any significant privileges that are denied to others similarly situated; and

- (4) Neither the special circumstances nor unusual hardship is the result of action by the applicant; and
- (5) The requested adjustment is the minimum adjustment necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated; and
- (6) Granting of the adjustment would not violate more than one standard of this ordinance; and
- (7) Granting the adjustment would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Sec. 24-213B. Enforcement and penalties.

(a) *Enforcement:* The city manager, or designee, is hereby authorized and directed to enforce all of the provisions of this article.

- (1) Upon presentation of proper credentials, the city manager, or designee, may enter, at reasonable times, any building, structure, property or premises in the city to perform any duty imposed upon the city manager, or designee, by this article.
- (2) The city manager, or designee, is authorized to promulgate rules, regulations and interpretations with respect to the location, erection, maintenance and removal of signs which are not inconsistent with the provisions of this article.
- (3) The city manager, or designee, is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.

(b) *Sign maintenance:*

- (1) All signs and components thereof shall be maintained in good appearance, repair and condition by the owner or permittee of the sign against breakage, material discoloration and defects in or omission of material components.
- (2) Signs may be declared unsafe by the city manager, or designee, and subject to removal as provided in subsection 24-213B(c) if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.

(c) *Sign abandonment:* Signs shall be deemed abandoned and subject to an order to remove the sign directed to the sign permittee or owner of the sign by the city manager, or designee, if:

- (1) Maintained on the property in excess of thirty (30) days after expiration or revocation of the sign permit for such sign; or
- (2) Where the condition of the sign due to breakage, discoloration or lack of material components evidences abandonment; or
- (3) The content or sign message of an on-site sign bears no relation to the business or activity conducted on-site unless specifically permitted by provisions of this code.

The city manager, or designee, is authorized to remove said sign if there is noncompliance with an order to remove and the permittee or owner of the sign shall be liable to the city for all costs of removal.

(d) *Responsibility for compliance:* Responsibility for compliance with the terms and provisions of this article shall be upon:

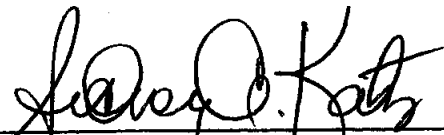
- (1) The sign permittee, the sign owner or the lessee, the legal custodian or agents of either the sign owner or owner or lessee of any premises, structure or building containing a sign covered by the provisions of this article; or,
- (2) The person, company or entity which installs or erects a sign covered by the provisions of this article. Enforcement proceedings may be directed against such persons for noncompliance with the terms and provisions of this article or for noncompliance with orders issued by the city manager, or designee, pertaining to this article.

(e) *Sign removal for non-compliance:* The city manager, or designee, is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefore.

(f) *Enforcement proceedings and penalties:* Any person, firm or entity that shall violate provisions of this article shall be subject to the remedies and penalties provided in section 24-184 of this chapter or as specified in other sections of this article.

(g) *Appeals:* Any person referred to in subsection 24-213B(d) above may appeal any order of the city manager or his designee issued pursuant to this article to the city board of appeals, pursuant to the provisions for administrative review contained in article VII of this chapter.

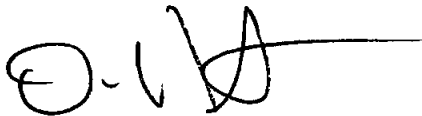
ADOPTED by the City Council of Gaithersburg, Maryland, this 17th day of January, 2006.


SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 17th day of January, 2006. APPROVED by the Mayor of the City of Gaithersburg, Maryland this 17th day of January, 2006.


SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 17th day of January, 2006, and the same was APPROVED by the Mayor of the City of Gaithersburg on the 17th day of January, 2006. This Ordinance will become effective on the 7th day of February, 2006.



DAVID B. HUMPTON, City Manager